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April 1, 2008

Honorable Judge Kenneth M. Karas  
Federal District Court  
300 Quarropas Street,  
White Plains, New York 10601

Re: Coward v. Town of Harrison et. al.  
08 CV 0084

Dear Honorable Judge Karas,

I am the attorney for Harrison Town Police Department and the individually named Harrison Police Officers in the above referenced matter. Discovery has been recently concluded. I would respectfully request a pre-motion conference be scheduled at the convenience of the Court to enable the defendants to file a motion pursuant to Federal Rule of Civil Procedure 12(b)(6) dismissing the plaintiff's complaint in its entirety.

This action is ripe for a motion to dismiss as the plaintiff's complaint fails to state any cause of action against my clients. The allegations in the complaint are derived from the plaintiff's arrest and prosecution. The police officers relied on complaints made by third parties and possessed probable cause to make the arrest as a matter of law. Additionally, the motion papers shall set forth a complete defense of qualified immunity.

As for the other defendant's, the motion papers shall address the fact that the Harrison Town Police Department is not an entity against which an action can be sustained and further that the plaintiff has failed to set forth any facts sufficient to maintain municipal liability against the Town/Village of Harrison including but not exclusively an underlying constitutional violation. Some of the defendants were just witnesses to the plaintiff's actions and it is the defendant's intention to

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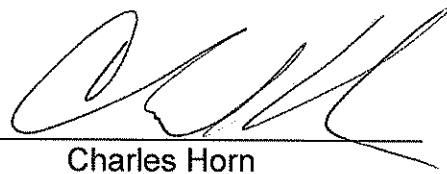
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move on their behalf as plaintiff shall not be able to offer any evidence to prove any liability on their part.

The FRCP 12(b)(6) Motion to Dismiss shall address both the state and federal causes of actions which in this case have similar if not identical standards of proof. Thank you for your time in this regard.

Respectfully yours,

FRIEDMAN, HARFENIST,  
LANGER & KRAUT

BY:   
Charles Horn

CHH/rh

cc: Joseph DeMatteo